

## Message Text

UNCLASSIFIED

PAGE 01 TOKYO 12729 130802Z

ACTION PPTE-00

INFO OCT-01 CA-01 ISO-00 /002 W

-----122302 130807Z /15

P 130754Z JUL 78

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC PRIORITY 9576

UNCLAS TOKYO 12729

E.O. 11652: NA

TAGS: CGEN CPAS

SUBJECT: NECESSITY FOR COMMANDING OFFICER'S PERMISSION  
TO MARRY

REF: STATE 170995

1. INFORMATION CONTAINED IN PARA. 1 REFTEL PASSED TO U.S. NAVY LIEUTENANT COMMANDER WHO STATES THAT SINCE HE CONSIDERS HE DOES NOT REQUIRE PERMISSION OF HIS COMMANDING OFFICER TO MARRY A USCIT, CONSEQUENTLY HE DOES NOT REQUIRE A WAIVER FROM THE REQUIREMENT.

2. THE MATTER WAS DISCUSSED WITH THE CHIEF LEGAL OFFICER, COMNAVFORJAPAN, WHO ADVISED ONLY BASIS FOR REQUIRING PERMISSION OF COMMANDING OFFICER FOR MARRIAGE IS A TRISERVICE INSTRUCTION (CONAVFORJAPAN INSTRUCTION 175.1J) AND THAT INSTRUCTION IS INTENDED PRIMARILY FOR U.S. SERVICEMEN WHO WISH TO MARRY ALIENS.

3. FOR USCITS TO MARRY IN JAPAN, JAPANESE AUTHORITIES REQUIRE AN AFFIDAVIT SIGNED BY SUBJECTS STATING THEY ARE LEGALLY FREE TO MARRY AND THERE IS NO HINDRANCE, LEGAL OR OTHERWISE, TO THEIR UNITING IN MARRIAGE. THE AFFIDAVIT IS ACCEPTED BY JAPANESE AUTHORITIES ONLY IF NOTARIZED BY A CONSOFF.

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4. IN SPECIFYING LIMITED GROUNDS UNDER WHICH A NOTARIAL SERVICE CAN BE REFUSED, 7 FAM 821.2 STATES A CONSULAR OFFICER IS AUTHORIZED TO REFUSE TO PERFORM AN NOTARIAL SERVICE IF HE HAS REASONABLE GROUNDS FOR BELIEVING THE DOCUMENT WILL BE USED FOR A PURPOSE PATENTLY UNLAWFUL, IMPROPER OR INIMICAL TO THE INTERESTS OF THE UNITED STATES.

5. OUR UNDERSTANDING OF THE CITED SECTION IS THAT THERE  
ARE NOT SUFFICIENT GROUNDS FOR REFUSING TO PERFORM A  
NOTARIAL SERVICE UNDER THE CIRCUMSTANCES SET FORTH ABOVE.  
THE DEPARTMENT'S ADVICE WOULD BE APPRECIATED ASAP.  
(MARRIAGE IN QUESTION PLANNED FOR JULY 22). MANSFIELD

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NNN

## Message Attributes

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**Channel Indicators:** n/a  
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**Concepts:** n/a  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
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20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014